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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 22nd February, 2013:—

BILL NO. LXIX OF 2012

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2012.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette.

2. (1) In section 309 of the Code of Criminal Procedure 1973,

Amendment
of Section 309
of Act 2 of
1974.

(a) in sub-section (1) for the words "as expeditiously as possible" the words "within one year" shall be substituted;

(b) in sub-section (1) after the existing proviso following proviso shall be inserted, namely:—

"Provided further that no such adjournment shall be granted more than three times to a party during hearing of the suit."

(c) in sub-section (2) the following proviso shall be inserted, namely:—

"Provided again that penal cost be imposed against the party who seeks and obtains adjournment during the trial which shall include the expenses incurred by the opposite party as well as the Court, the expenses of the witnesses who have come for giving evidence and or rupees five lakh per adjournment after the maximum permissible limit of adjournments under sub-section (1) of section 309 has been exhausted."

STATEMENT OF OBJECTS AND REASONS

India has one of the highest court cases backlog which is seriously threatening the democratic setup and undermining the common law justice system. Number of cases are piling up every year to the point that there are 2,79,53,070 cases pending in various courts by the end of March, 2011. The right to speedy and a fair trial has been held as a fundamental right by the Honourable Supreme Court but sadly, the situation has not improved. The Malimath Committee which was formed in the year 2000 suggested that the adjournments should not be used as a tool for delaying the justice by the Courts and recommended penal imposition to the party which demands adjournments. The Code of Civil Procedure, 1908 grants a maximum of three adjournments. The Consumer Protection Act, 1986 mandates that the verdict of a case should be pronounced within three to five months. There is no limit to adjournments in criminal cases and this leads to delaying the case by filing frivolous adjournments. The Bill seeks to amend the section 309 of the Criminal Procedure Code.

Hence this Bill.

PRAKASH JAVADEKAR.

SHUMSHER K. SHERIFF,
Secretary-General.